

REMARKS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-20 in the application, and in a prior response, elected to prosecute Claims 1-9. Accordingly, Claims 1-9 are currently pending in the application.

I. Rejection of Claim 1 under 35 U.S.C. §102

The Examiner has rejected Claim 1 under 35 U.S.C. §102(b) as being anticipated by Schön, *et al.* In a telephone conversation with the Examiner on September 7, 2005 the Examiner indicated that the intended reference was Schön, *et al.*, Nature 413:713-716, (hereinafter "Schön").

Claim 1, among other things, recites a substrate having a planar surface and first and second electrodes located on said planar surface. Claim 1 also recites that the first electrode has a top surface and a lateral surface, and the lateral surface has an edge near or in contact with the substrate.

In the Office Action, the Examiner's citation to Figure 1 of Schön does not teach a planar substrate as recited by claim 1, because such a structure is not depicted in the figure. Additionally, the citation to Figure 1 does not teach an edge of the lateral surface of a first electrode that is near or in contact with the substrate, as recited in claim 1, because a planar substrate is not identified in this figure. The Examiner has explicitly assigned (Page 2, Lines 10-11 of Detailed Action) of the structures in Figure 1 labeled as "doped Si" and "Au-drain" as corresponding to

first and second electrodes, respectively, but has not asserted what structure in Figure 1 might correspond to a planar substrate.

Therefore, as applied by the Examiner, Schön does not disclose each and every element of the claimed invention and as such, is not anticipating reference of Claim 1. For these reasons, the Applicants traverse the Examiner's rejection of Claim 1 under 35 U.S.C. §102(b), and respectfully requests the Examiner withdraw the rejection.

II. Allowable Subject Matter

The Examiner has indicated that dependent Claims 2-9 are allowable, if rewritten in independent form. The Applicants wish to express appreciation for this indication of allowable subject matter, but as noted above, Claim 1 is not anticipated by the reference of record.

Accordingly, the Applicant respectfully requests the Examiner to pass Claims 1-9 to issue.

III. Prior Art Made of Record

The Examiner has not relied on the prior art of record and therefore these references are not particularly pertinent to grounds for rejecting the claimed invention. The Applicants retain the right to address these references in detail, if necessary, in the future.

IV. Conclusion

In view of the foregoing remarks, the Applicants see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a timely Notice of Allowance for Claims 1-9.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,
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Dated: September 9, 2005

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